

FEBRUARY 1, 2005
AGENDA REPORTS

Agenda Item No.10 Revised

Agenda Item No. 5a

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0065

TO: Mayor and City Council Members

SUBJECT: Petitions for Paving and Water Distribution System improvements to serve
Four H Addition (north of Central, west of Tyler) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the
improvement districts.

Analysis: These projects will provide paving and water service to a new residential
development located north of Central, west of Tyler.

Financial Considerations: The Petitions total \$126,000. The funding source is special
assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a
majority of resident property owners or the majority of the property in the improvement
district.

Recommendation/Action: It is recommended that the City Council approve the Petitions
and adopt the Resolutions (hold for development).

Agenda Item No. 5b

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0066

TO: Mayor and City Council Members

SUBJECT: Petitions for Sanitary Sewer and Water Distribution System improvements to serve Tallgrass East Commercial Addition (north of 21st, east of Webb) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the improvement districts.

Analysis: These projects will provide sanitary sewer and water service to a new commercial development located north of 21st, east of Webb.

Financial Considerations: The Petitions total \$79,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions and adopt the Resolutions (hold for development).

Agenda Item No. 5c

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0067

TO: Mayor and City Council Members

SUBJECT: Petition to install traffic signals on 13th, approximately 800' east of Greenwich (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: On March 23, 1999, the City Council approved a Petition to install traffic signals on 13th approximately 800' east of Greenwich. A new Petition has been submitted to include additional tracts that benefit from the project. The signatures on the new Petition represent 100% of the improvement district.

Analysis: The project will serve new commercial developments located south of 13th, east of Greenwich.

Financial Considerations: The existing Petition totals \$162,000. The new Petition totals \$110,000, with the total paid by Special Assessments. The budget is reduced because only a T intersection is being signalized at this time. The area north of 13th is undeveloped.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition and adopt the Resolution (hold for development).

Agenda Item # 6a

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0068

TO: Mayor and City Council Members

SUBJECT: Contract for Domestic Violence Services

INITIATED BY: Law Department

AGENDA: Consent

Recommendations: Approve the contract with Kansas Legal Services, Inc. and authorize the Mayor to sign.

Background: Since 1990, the City of Wichita has provided services to victims of domestic violence through a Victim Advocate Program. Kansas Legal Services, Inc., has been providing these services during the period from 1999 through 2004. This contract for services through December 31, 2005, does not include an increase in compensation.

Analysis: Kansas Legal Services, Inc., would be willing to continue for an additional year the services of a paralegal who will work in the Victim Advocacy Program to assist in the coordination of advocacy services to domestic violence victims.

Financial Considerations: Funds in the amount of \$35,000 have been approved in the Law Department Budget for purposes of paying for this program in 2005 (OL3 2599).

Legal Considerations: The form of the contract was prepared and approved by the Department of Law.

Recommendation/Actions: It is recommended that the City Council approve the contract with Kansas Legal Services, Inc. and authorize the Mayor to sign.

Agenda Item No. 6b

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0069

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Area Lighting at Nine City Pools (Districts I, IV, V & VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: On May 4, 2004, the City entered into an Agreement with K.E. Miller Engineering, P.A. for designing area lighting at nine City pools for a design fee of \$22,000.

Analysis: The Park Department has asked K.E. Miller to study the existing lighting and prepare design plans for an upgraded lighting system for the West Side Athletic Fields. It is proposed that fees be paid by a Supplemental Agreement to their original lighting contract. The request was made based on the quality of plans submitted and the need for the project to move forward in a timely manner. The West Side Athletic Field lighting project will be CDBG funded and it is imperative to have the project designed and constructed no later than June 30, 2005 in order to avoid loss of funding. In order to expedite the project, as this project is similar to the pool lighting project completed by K.E. Miller, it is requested they be granted a supplemental agreement to prepare the lighting project plans.

Financial Considerations: Payment to K.E. Miller will be on a lump sum basis of \$6,500, and will be paid by CDBG Funding for the West Side Athletic Field Lighting project (OCA 602652 with a budget of \$50,000).

Legal Considerations: The Supplemental Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

SUPPLEMENTAL AGREEMENT

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED MAY 4, 2004

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

K.E. MILLER ENGINEERING, P.A.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated May 4, 2004) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to AREA LIGHTING FOR NINE CITY POOLS.

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

Design new lighting for the West Side Athletic Fields
(Project #472 84002, OCA #785041)

B. PAYMENT PROVISIONS

The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee amount of \$6,500.00.

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by ; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions of inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2005.

By Action of the City Council

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

K.E. MILLER ENGINEERING, P.A.

(Name and Title)

ATTEST:

Agenda Item #6c

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0070

TO: Mayor and City Council

SUBJECT: Professional Legal Services - Workers' Compensation

INITIATED BY: Department of Law

AGENDA: Consent

Recommendation: Approve the agreement with Edward J. Heath, Jr., Attorney at Law, to provide workers' compensation professional legal services.

Background: The City retains outside legal counsel to provide legal advice and handle workers' compensation claims, litigation and related assignments. Because workers' compensation litigation has become a specialized area of law, it is necessary to retain outside legal counsel to perform these services.

Analysis: Because of the variety and volume of legal issues and services that the claims will generate, the selected law firm will be utilized to assist the Department of Law and the Risk Manager in performing a broad range of professional services related workers' compensation. To select legal representation in workers compensation cases commencing in 2004, a request for proposal was sent to 31 local attorneys and law firms who handle workers compensation matters. Six attorneys responded to the request and were interviewed by a panel. Those who were interviewed were evaluated on their experience, approach to problems, legal skills and knowledge, price and overall value. Mr. Heath was ranked the highest following the interviews. Mr. Heath has performed fully through 2004 and has agreed to continue to perform through December 31, 2005, without an increase in cost.

Financial Considerations: This agreement provides authority for \$60,000.00, to be paid upon receipt of detailed billings of hourly work and expenses. The charges are reasonable for the amount of legal services involved. Payment will be from the Workers Compensation fund.

Legal Considerations: The City Attorney's office has prepared the Agreement and has approved it as to form.

Recommendations/Actions: Select the Ed Heath law firm to provide workers' compensation professional legal services and authorize the Mayor to sign the Agreement for Professional Services.

Agenda Item #8

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0071

TO: Mayor and City Council

SUBJECT: Narcotic Seizure Fund Budget

INITIATED BY: Police Department

AGENDA: Consent

Recommendation: Adopt the budget.

Background: The Wichita Police Department has utilized the Narcotic Seizure Fund for many years to fund various Police operations. The Narcotic Seizure Fund consists of monies from federal, state, and other agencies obtained as a result of investigations into illegal enterprises such as the possession and sale of narcotics. After the judicial process is completed, the funds are awarded to the Department. The Wichita Police Department adheres to stringent state and federal guidelines in accounting for and using the Narcotic seizure funds.

By using these funds for expenses such as undercover vehicle maintenance, buy money, and training Department personnel, the Police Department has been able to effectively address the various crimes that impact our city, particularly drug and moral violations.

Analysis: The budget for the Narcotic Seizure Fund is adopted to permit the expenditure of funds forfeited to the Wichita Police Department. Federal and state regulations require separate accounts for assets forfeited under different forfeiture programs. Also, each

year, the City is required to submit a Federal Annual Certification Report, which outlines federal seizure revenue and expenditures for the prior year.

Financial Considerations: As of December 31, 2004, the Narcotic Seizure Fund totaled \$135,633. The Police Department recommends the following budget for 2005:

Budgeted Item	Amount
Undercover buy money	\$50,000
Undercover vehicle maintenance/operations	50,000
Undercover fleet replacements	20,000
Law enforcement training	5,000
Annual audit	2,840
Contingency/fund reserve	7,793
Total	\$135,633

Legal Considerations: Federal and State laws require local units of government to use forfeited assets to supplement the funds dedicated to law enforcement and prohibits supplanting local funds with forfeited assets. As a prerequisite to the approval of any equitable sharing request, the City must submit the Federal Annual Certification Report within 60 days after the close of the fiscal year.

Recommendations/Actions: Adopt the budget for the Narcotic Seizure Fund and authorize the necessary signatures for the Federal Annual Certification Report.

Agenda Item No. 9

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0072

TO: Mayor and City Council Members

SUBJECT: Swimming Pool Improvements (Various Districts)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

Recommendation: Authorize the project.

Background: The 2005 Park and Recreation CIP will provide funding for improvements to various swimming pools across the city on a periodic, as-needed basis.

Analysis: The Park and Recreation Department maintains and operates 11 municipal pools within the City's park system. Annual maintenance includes sandblasting, repainting, leak repair of pool shells, replacement of ladders and diving boards, and other items necessary to keep the pools aesthetically attractive and safe for the public's use.

Pools identified for improvements in 2005 include improving Diving Standards at Boston; Lifeguard Stand replacements at Orchard, McAdams and Linwood; and additional Shade Structures at College Hill, Edgemoor, Harvest, Linwood, Minisa and Orchard. Additional improvements and equipment will be purchased for Aley, Evergreen and Country Acres.

Financial Considerations: Funding in the amount of \$100,000 will be available within the City's 2005 Capital Improvement budget to fund the improvements. The source of funding is General Obligation bonds.

Legal Considerations: The Law Department has approved the bonding resolution as to form.

Recommendation/Action: Adopt the bonding resolution and authorize initiation of the project.

REVISED 1/27/05
Agenda Item No.10.

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0073

TO: Mayor and City Council

SUBJECT: Water Transmission Main in First Street from Meridian to McComas
– ~~Design/Build~~ (District VI)

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: *Authorize the project and approve a supplemental engineering*

agreement and the pre-purchase ~~Approve the expenditures for a 36-inch water transmission main in First Street from Meridian to McComas and authorize the selection of a team (engineer/contractor) to design and construct the project as a design/build project.~~

Background: The 1999, the Water Master Plan identified potential water pressure problems in portions of the west Wichita water distribution system and in growth areas in west Sedgwick County. Recent pressure complaints and accelerated growth in west Wichita has prompted a need to expedite this project.

Analysis: On April 8, 2003, City Council approved a Water Master Plan Update. The firm of Burns & McDonnell was selected as consultant engineers for the update. In the process of updating the water distribution water model and analyzing the water distribution system, Burns & McDonnell recommended installing a 36-inch water transmission main from the existing 36-inch in Meridian to a future recommended booster pump station near Maple and I-235. The recommendation included the most recent growth prediction by the Metropolitan Area Planning Department.

The City is currently under contract with Wildcat Construction to install a concrete drainage box from West Street to the Arkansas River. The contractor is scheduled to be under construction on the portion from Meridian to McComas by the end of February 2005.

The pavement on First Street will be removed to install the concrete drainage box, so it would be less disruptive to the neighborhood to install the water transmission main at the same time. Approximately twenty percent (20%) of the cost for the main installation project could be saved by not having to remove and replace pavement twice.

To assure that the 36-inch water transmission main is constructed concurrently with the concrete drainage box, Staff recommends that ~~an engineer/contractor team be selected according to Administrative Regulation No. 7, Employment of Professional Services.~~ ***a supplemental agreement be signed with Baughman Company to design the transmission main. Baughman Company is the design engineer for the drainage project and has knowledge of the area that will allow for the most efficient water line design in the shortest period of time.***

Additionally, Staff will pre-purchase piping and appurtenances for the project in the amount of \$23,658 from a local vendor (Hajoca). This pre-purchase of materials is to lessen delays associated with contractor purchase of the materials after a contractor has been selected. Additional materials may need to be pre-purchased in order to expedite construction.

Construction will be either bid or done through a negotiated change order with Wildcat Construction. In either case, the contract will be brought back to the City Council for approval.

Financial Considerations: *The fee for the supplemental engineering agreement is \$27,800. The cost of pre-purchased materials is \$23,658. The total expenditures for the project are estimated to be \$800,000. Funding is available in CIP W-65, Unidentified Mains. The project will be funded from future revenue bonds and/or Water Utility cash reserves.*

Legal Considerations: *The Law Department will approve the Supplemental Agreement as to form.* ~~In accordance with Charter Ordinance 111, City Council approval is required for design/build projects before a Request for Proposal can be issued.~~

Recommendations/Actions: It is recommended that City Council: 1) ~~approve~~ *authorize* the expenditure; and 2) ~~authorize the project as design/build.~~ *approve the supplemental engineering agreement for design;* 3) *approve the pre-purchase expenditures and* 4) *authorize the necessary signatures.*

Agenda Item No. 11

CITY OF WICHITA
City Council Meeting
February 1, 2005

Agenda Report No. 05-0074

TO: Mayor and City Council Members

SUBJECT: Acquisition by Eminent Domain of Tracts Required for Hillside Improvement: Kellogg to Central (District II)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Adopt resolution and approve and place on first reading the ordinance providing for the acquisition by eminent domain of certain real property.

Background: The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. The project required the acquisition of all or part of 27 tracts. To date, 24 tracts have been acquired. The three remaining acquisitions involve partial acquisitions. These include the west four-feet of the property at 212 North Hillside, totaling 804 square feet, 1,616 square feet from the property at 3123 East Douglas, and 2,646 square feet from 3134 East Douglas. None of the acquisitions impact the structures on the property although they do impact landscaping, paving and signage.

Recommendation: Authorize payment of \$11,795.40 as a full settlement of all possible issues arising out of this claim.

Background: This claim results from an automobile accident in December, 2004, involving a City employee and the claimant, Tracy L. Kennedy. Claimant seeks payment for damages to her vehicle caused by the City employee failing to stop at a stop sign.

Analysis: After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. Based on the investigation, it is recommended that the claim be resolved with a lump sum payment of \$11,795.40 as settlement of the claims against the city arising out of this event. Settlement would include a full release of the City. Because of the risks associated with litigation, the Law Department recommends payment of the claim.

Financial Considerations: Funding for this settlement payment is from the Tort Claims Fund.

Legal Considerations: The Law Department recommends payment of the settlement.

Recommendations/Actions: Authorize payment of \$11,795.40 as a full settlement of all possible claims against the City of Wichita arising out of the event which is the subject of the claim.

Agenda Item # 13

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0076

TO: Mayor and Members of the City Council

SUBJECT: 2005 Fire Apparatus Replacement Program

INITIATED BY: Finance Department

AGENDA: Consent

Recommendation: Approve the bonding resolution and authorize initiation of the project.

Background: On May 18, 2004, City Council approved the 2005 Fire Apparatus Replacement Program project.

Analysis: The statutory reference under which the project was initiated was incorrectly cited.

Financial Considerations: Changing the statutory reference does not impact the cost of the project.

Legal Considerations: The Law Department has approved the bonding resolution as to legal form.

Recommendation/Action: It is recommended the City Council approve the project, approve the bonding resolution and authorize all necessary signatures.

Agenda Item # 14

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0077

TO: Mayor and City Council

SUBJECT: Repair or Removal of Dangerous & Unsafe Structures
Districts I, III, IV and VI

INITIATED BY: Office of Central Inspection

AGENDA: New Business

Recommendations: Adopt the resolutions.

Background: On December 14, 2004 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on February 1, 2005. One structure has been demolished since this time.

Analysis: On November 8, 2004, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

Property Address	Council District
a. 1438 North Estelle	I
b. 1707 North Spruce	I
c. 1638 North Minneapolis	I
d. 2048 North Minnesota	I
e. 3100 North Park Place (small house)	VI
f. 747 North Sheridan	VI
g. 219 North Elizabeth (garage)	IV
h. 215 North Millwood #10	IV
i. 1616 West Maple	IV
j. 1423 West Burton	IV
k. 1815 South Exchange	III

Detail information/analysis concerning these properties are included in the attachments.

Legal Considerations: Pursuant to State Statute, the Resolutions were duly published twice on December 16, , 2004, and December 23, 2004. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Recommendations/Actions: It is recommended that the City Council close the public hearing, adopt the resolutions declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be conditioned on the following: (1) All taxes have been paid to date, as of February 1, 2005; (2) the structures have been secured as of February 1, 2005 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of February 1, 2005 and will be so maintained during renovation.

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owner of these findings.

Agenda Item No. 15

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0078

TO: Mayor and City Council

SUBJECT: South Central Kansas Water Coalition

INITIATED BY: Water & Sewer Department

AGENDA: New Business

Recommendation: Approve the City's participation in the South Central Kansas Water Coalition.

Background: In January 2004, the Regional Economic Area Partnership (REAP) executive committee invited member jurisdictions to participate in discussions to develop and recommend a strategy for joint action among local governments to address regional water issues. At the October 11, 2004, meeting, the REAP membership voted to approve the formation of the South Central Kansas Water Coalition. Among the objectives of the Coalition are:

- To serve as a regional conduit for the dissemination of information regarding activities, programs, funding and initiatives related to water in the region.
- To serve as a regional voice on behalf of members to state and federal government and agencies.
- To develop and implement a regional water plan.
- To organize and coordinate collaborative efforts on regional issues of water supply and quality.
- To develop or organize services to member water utility operations.

Analysis: The City of Wichita participated in the discussions leading up to the formation of the Coalition by REAP. The Mayor, the Water & Sewer Department Director and the Environmental Health Director have been parties to those discussions. Staff believe that water issues extend beyond the city limits. There is value in local governments sharing information and experiences and in jointly speaking to water related issues before state and federal government agencies. (See attached Report of the Executive Committee.)

The Coalition will be governed by a Board of Delegates appointed from governing bodies of member local governments. The Board of Delegates will approve the budget and the work plan for the Coalition. A Board of Directors will be appointed from the professional/administrative staff of member entities. The Board of Directors will prepare and recommend an annual budget and work plan, carry out approved work, and oversee the day-to-day operations and activities of the Coalition. Each delegate and director will also have an alternate appointed by the member entity's governing body.

Financial Considerations: The interlocal agreement calls for Wichita to initially pay \$2,500 as a charter member. This funding level may change up or down, depending on the work plan that the Coalition Board of Delegates adopts. The City's water utility has

sufficient budget authority to cover this initial cost. Other member local government entities will contribute based on their population and/or utility revenues.

Legal Considerations: The Law Department has approved the interlocal agreement as to form.

Recommendations/Actions: It is recommended that the City Council: 1) approve the interlocal agreement with REAP for participation in the South Central Kansas Water Coalition; 2) appoint a delegate and an alternate from the City's governing body to the Coalition Board of Delegates; 3) appoint a director and alternate from the City's professional staff to the Coalition Board of Directors; and 4) authorize payment of \$2,500 to the Coalition from the budget of the City's Water Utility.

Agenda Item No. 16

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0079

TO: Mayor and City Council

SUBJECT: ZON2004-00061 – Zone change from “SF-5” Single-family Residential to “MF-18” Multi-family Residential. Generally located on the northwest corner of the 1st Street – McComas Avenue intersection, one block east of West Street and one block north of Douglas Avenue. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (non-consent)

MAPC Recommendations: Approve MF-18, subject to platting within one year (11-0).

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve MF-18, subject to a Protective Overlay limiting building heights to 35 feet (8-0).

Background: The applicants' 1.06-acre unplatted tract is zoned "SF-5" Single-family Residential. There is currently a single story, brick, single-family residence (built in 1950) on the subject site. The applicants are requesting a zoning change to "MF-18" Multi-family Residential to allow the subject site to be redeveloped with triplexes or apartments.

The abutting and adjacent properties to the east and north of the subject site are zoned "SF-5" and are developed as single-family residences, built primarily from the late 1950s to the mid 1960s. Properties southeast of the subject site are zoned "TF-3" Two-family Residential and are developed primarily as single-family residences, built in the 1920s and 1930s, and duplexes built in the late 1960s to the mid 1970s. The abutting property west of the subject site is zoned "LC" Limited Commercial and was developed in the late 1990s as a contractors warehouse, office and yard. This "LC" site has access and frontage onto West Street, a commercial corridor. Properties south and southwest of the site are zoned "B" Multi-family Residential and "LC" and are developed as story and a half apartments, built in the early 1970s. The applicants own these apartments.

Analysis: The applicants had originally requested a zone change to "MF-29" Multi-family Residential, which would allow up to 29 dwelling units per acre, and a building height up to 45 feet. DAB VI considered the request at their December 15, 2004 meeting and recommended denial of the requested "MF-29" zoning. The DAB found the density of the "MF-29" zoning out of character with the surrounding area, and recommended approval (8-0) of "MF-18" Multi-family Residential zoning with a Protective Overlay that would limit the development to no more than 9 dwelling units with a maximum structural height of 35-feet (the MF-18 district permits building height up to 45 feet). No member of the public was in attendance at the DAB meeting to speak against the requested zoning change.

The MAPC considered this case at their December 23, 2004 meeting. During this meeting the applicant advised the MAPC that they would agree to the "MF-18" zoning, but requested that the number of units allowed on the site be per the "MF-18" zoning district and not the DAB's recommendation of no more than 9 units. The applicants also requested that the maximum structural height be the 45-feet allowed in the "MF-18" zoning district rather than the DAB's recommended maximum structural height of 35-feet. The MAPC approved (11-0) the zone change to "MF-18" (without the DAB recommended 35-foot height restriction) subject to the property being platted within a year. One person spoke in opposition to the zoning change at the meeting citing concerns with increased noise and concern for loss of property value if the request were to be approved. Staff has received two written protests against the requested zoning change that represent less than 20% of the protest land area.

Financial Considerations: None

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the zone change, subject to platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-third majority vote of the City Council on the first hearing.)

AGENDA ITEM #17

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0080

TO: Mayor and City Council Members

SUBJECT: Fees for new applications and proceedings pertaining to signs. (All Districts)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Establish the fees.

Background: The City Council has recently approved amendments to the Sign Code that created two new application types pertaining to signs. The first new application type is a Sign Code Adjustment whereby minor changes to sign regulations may be approved by the Planning Director with the concurrence of the Zoning Administrator. The second new application type is a Special Review Approval for Off-Site Billboard Sign Permits whereby the Metropolitan Area Planning Commission may permit billboards to be located closer to residential properties than allowed by the sign regulations. The recently approved amendments to the Sign Code indicated that fees for these two new application types would be established separately by the City Council.

Analysis: Staff recommends that a fee of \$140 be established for Sign Code Adjustments. The recommended \$140 fee is the same fee charged for other administrative adjustment applications. Staff recommends that a fee of \$500 be established for Special Review Approval for Off-Site Billboard Sign Permits. The recommended \$500 fee is the same fee charged for other applications such as Conditional Use applications that are approved by the Metropolitan Area Planning Commission.

Financial Considerations: The purpose of the fees is to defray cost of staff time, advertising, postage, copies, etc. associated with processing applications. If the fees are not established, the cost of processing the applications will need to be funded from another (likely general revenue) source.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendations/Actions: Approve the fees for Planning applications and proceedings pertaining to signs and place the ordinance establishing the fees on first reading.

Agenda Item No. 18

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0081

TO: Mayor and City Council

SUBJECT: ZON2004-00060 – Zone change from “B” Multi-family Residential to “NO” Neighborhood Office. Generally located north of Central, between Terrace and Pershing. (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendations: Approve (Vote 11-0), subject to staff recommendations.

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Not applicable.

Background: The applicant requests a zone change from “B” Multi-Family to “NO” Neighborhood Office on a 0.17 acre platted tract located north of Central, between

Terrace and Pershing. The site is currently developed with a vacant office building that formerly housed medical services. The site's current "B" Multi-Family zoning permits offices for medical services, but does not permit offices for other professions. The applicant has requested to rezone the property to "NO" Neighborhood Office to permit offices for other professionals, more particularly an insurance office for the contract purchaser.

The surrounding area is characterized primarily by commercial uses along Central with residential uses to the north and further west along Central. The properties north of the site are zoned "TF-3" Two-Family Residential and are developed with single-family residences. The property west of the site was rezoned to "NO" Neighborhood Office in 2001 and is developed with an office building. The property east of the site is zoned "GO" General Office and is developed with a real estate office. The property south of the site across Central is zoned "LC" Limited Commercial and is developed with a vacant service station.

Analysis: There were no speakers in opposition to the request at the MAPC hearing on December 23, 2004. The MAPC voted unanimously to recommend approval of the zone change subject to the dedication of access control along Central except for the west 15 feet of Lot 662, Overlook Addition and the dedication of cross lot access to Lots 663 and 664, Overlook Addition.

Financial Considerations: None.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the zone change subject to the recommended conditions; place the ordinance establishing the zone change on first reading; and instruct the City Clerk to withhold publication of the ordinance until the conditions of approval are met; or

2. Return the application to the MAPC for reconsideration

(An override of the Planning Commission's recommendation requires a two-third majority vote of the City Council on the first hearing.)

Agenda Item No. 19

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0082

TO: Wichita Airport Authority

SUBJECT: Midfield Road Site Development
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the contract.

Background: On September 9, 2003, the Wichita Airport Authority approved a project to accommodate a new tenant development (Honeywell) in addition to future tenants along Midfield Road. The project was approved to relocate facilities, clear the site, install utilities, and construct a street.

Analysis: Professional Engineering Consultants has been selected to provide professional services in conjunction with furnishing the tenant with electrical service.

Financial Considerations: The contract is \$8,560 for design and bid phase services, and is within the approved budget. A construction phase services agreement will be entered into at a later date.

Legal Considerations: Contracts, which will total over \$10,000, require Wichita Airport Authority approval. The Law Department has approved the contract as to form.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the contract, and authorize the necessary signatures.

Agenda Item No. 20

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0083

TO: Wichita Airport Authority

SUBJECT: Siemens Building Technologies, Inc. (SBT) – S. A. No. 1

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the supplemental agreement.

Background: The WAA currently has an agreement with Siemens Building Technologies to maintain security monitoring equipment on Wichita Mid-Continent Airport.

Analysis: In addition to maintaining the security equipment required for overall airport security, the agreement also includes funds to maintain equipment located in the Federal Aviation Administration (FAA) Building located at 1801 Airport Road. Contrary to the above, the FAA has now elected to install its own security monitoring system and to maintain it independently of the WAA's. Consequently, Siemens will no longer be required to provide this service for the FAA, and it is necessary to delete this responsibility from the agreement between the WAA and Siemens.

Financial Considerations: None.

Legal Considerations: The supplemental agreement has been approved as to form by the Department of Law.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the supplemental agreement, and authorize the necessary signatures.

Agenda Item No. 21

City of Wichita
City Council Meeting
February 1, 2005

Agenda Report No. 05-0084

TO: Wichita Airport Authority

SUBJECT: Airfield Pavement
Taxiway "N" Construction
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the change order.

Background: On June 3, 2003, Ritchie Paving, Inc. was awarded the contract for the Taxiway "N" project in the amount of \$7,016,064.70.

Analysis: Change Order No. One has been prepared to address items incurred during construction.

Financial Considerations: The change order of \$88,300.10 is within the approved budget and will be paid for with an FAA grant, Passenger Facility Charges and Airport Revenue. Total changes are approximately one percent of the original contract amount.

Legal Considerations: The change order has been approved by the Law Department and the FAA.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the change order, and authorize the necessary signatures.